

**EXHIBIT 1**

- The City of Fresno's Original Complaint (Oct. 22, 2003)

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Exempt from Filing Fee  
[Govt. Code, § 6103]

OCT 22 2003

BY: *Mike Morris*  
Mike Morris

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF SAN FRANCISCO

11 CITY OF FRESNO CASE NO. **GGC - 03-425649**

12 Plaintiff,

) COMPLAINT FOR DAMAGES AND  
13 vs. OTHER RELIEF FOR:

) (1) STRICT LIABILITY  
14 CHEVRON U.S.A. INC.; CHEVRON ) (2) NEGLIGENCE  
15 ENVIRONMENTAL SERVICES ) (3) TRESPASS  
16 COMPANY/SHELL OIL COMPANY; ) (4) NUISANCE  
17 EXXON CORPORATION; TOSCO )  
18 CORPORATION; UNOCAL )  
19 CORPORATION; UNION OIL COMPANY )  
20 OF CALIFORNIA; KERN OIL & )  
21 REFINING COMPANY; VALERO )  
22 REFINING COMPANY- CALIFORNIA; )  
23 TEXACO REFINING AND MARKETING )  
24 INC.; ULTRAMAR, INC.; ARCO )  
25 CHEMICAL COMPANY; LYONDELL )  
26 CHEMICAL COMPANY; EXXON MOBIL )  
27 CORPORATION; CONOCOPHILLIPS )  
28 CORPORATION; ATLANTIC )  
RICHFIELD COMPANY; EQUIVA )  
SERVICES LLC; TEXACO, INC.; )  
EQUILON ENTERPRISES LLC; )  
CHEVRONTEXACO CORPORATION; )  
NEW WEST PETROLEUM; DUKE )  
ENERGY MERCHANTS, LLC; DUKE )  
ENERGY TRADING AND MARKETING, )  
LLC; PACIFIC SOUTHWEST TRADING; )  
NORTHRIDGE PETROLEUM )  
MARKETING U.S., INC.; DUKE )  
ENERGY MERCHANTS CALIFORNIA, )  
INC.; NEW WEST PETROLEUM, LLC; )  
WESTPORT PETROLEUM INC.; NELLA )  
OIL COMPANY LLC; AND DOES 1 )

CASE MANAGEMENT CONFERENCE SET

PLAN I MAR 26 2004 9:00AM

DEPARTMENT 212

1       THROUGH 200, 201 THROUGH 400, and       )  
1       401 THROUGH 600, inclusive,                   )  
2   )  
2       Defendants.                                   )

3  
4       Plaintiff City of Fresno hereby alleges as follows:

5   **I. SUMMARY OF THE CASE**

6       1. The City of Fresno is responsible for purveying clean, safe drinking water to  
7       approximately 450,000 people in the County of Fresno, California. Expanding plumes of methyl  
8       tertiary butyl ether ("MTBE") and tertiary butyl alcohol ("TBA") contaminate and threaten the  
9       water system and drinking water on which Fresno's schools, hospitals, businesses, residents and  
10      visitors depend.

11      2. The defendants in this action are the refiners who manufacture gasoline containing  
12      MTBE and TBA, manufacturers of MTBE, and the designers, promoters, marketers, formulators,  
13      distributors, suppliers, and retailers of gasoline containing MTBE and TBA, which contaminate  
14      and threaten Fresno's water system and public water supply. Among other things, the defendants  
15      knowingly and willfully promoted and marketed MTBE and TBA and/or gasoline containing  
16      MTBE and/or TBA, when they knew or reasonably should have known that these compounds  
17      would reach groundwater, pollute public water supplies, render drinking water unusable and  
18      unsafe, and threaten the public health and welfare, as they have in Fresno.

19      3. Fresno filed this lawsuit to recover compensatory and all other damages, including all  
20      necessary funds to remove MTBE and TBA pollution from public drinking water supplies, to  
21      restore the reliability of Fresno's water system and drinking water supply, to abate MTBE and  
22      TBA plumes, and to assure that the responsible parties -- and not the City of Fresno nor the public  
23      -- bear the expense.

24   **II. PLAINTIFF**

25      4. Plaintiff City of Fresno ("Fresno") provides water to the residents of Fresno. The City  
26      of Fresno bears the responsibility of owning and operating a water system which serves the  
27      public, including drinking water wells with related and ancillary equipment, pumps, pipes, water  
28      treatment equipment, delivery systems and infrastructure which will be referred to collectively in